

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

MARCUS ALEXANDER JONES,
Plaintiff,

v.

7:21-cv-997-CLM-JHE

JOSEPH H. HEADLEY, et al.,
Defendants.

MEMORANDUM OPINION

Petitioner Marcus Alexander Jones filed a pro se petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 1). On February 1, 2022, the magistrate judge entered a report, recommending the court grant the respondents' motion for summary disposition, (doc. 6), and dismiss Jones' petition based on his failure to exhaust state court remedies. (Doc. 9). The magistrate judge also recommended the court deny Jones' motion for summary disposition, (doc. 8). (Doc. 9). The magistrate judge advised Jones that he had 14 days to object to the report and recommendation. But the court hasn't received any objections.


Having carefully reviewed and considered de novo all the materials in the court file, including the report and recommendation, the court **ADOPTS** the magistrate judge's report and **ACCEPTS** his recommendation. So the court will **GRANT** the respondents' motion for summary disposition based on Jones' failure to exhaust his state remedies (doc. 6). For the same reason, the court will **DENY** Jones' motion for summary disposition (doc. 8).

Rule 11 of the Rules Governing § 2254 Proceedings requires the court to "issue or deny a certificate of appealability when it enters a final order adverse to the applicant." *See* Rule 11, Rules Governing § 2254

Proceedings. This court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To make such a showing, a “petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). The court finds Jones’ claims do not satisfy either standard. So the court will not issue a certificate of appealability.

The court will enter a separate final order.

Done on March 4, 2022.


COREY L. MAZE
UNITED STATES DISTRICT JUDGE